

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR 1993-008378

09/18/2008

HON. GARY E. DONAHOE

CLERK OF THE COURT  
S. Yoder  
Deputy

STATE OF ARIZONA

WILLIAM W CLAYTON  
KIRSTEN VALENZUELA

v.

EFREN MEDINA (A)

DANIEL B PATTERSON  
ALAN ISSA TAVASSOLI

CAPITAL CASE MANAGER  
VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY  
DAY 16

AGGRAVATION PHASE

9:30 a.m. The jury is present in the jury room and resumes its deliberations from September 17, 2008.

10:47 a.m. The jury breaks.

11:00 a.m. The jury resumes deliberations.

11:52 a.m. The jury breaks for lunch.

12:58 p.m. The jury resumes deliberations.

1:58 p.m. Court reconvenes. Kirsten Valenzuela appears on behalf of the State. Defendant is present with counsel, Daniel B. Patterson and Alan I. Tavassoli.

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Court Reporter Laura Ashbrook is present.

The jury is present in the jury box and by the presiding juror returns into court its verdicts which are read and recorded by the clerk and are as follows:

**Verdict Form One – Degree of Participation**

“We the jury unanimously find beyond a reasonable doubt on the allegation that the defendant killed, attempted to kill, intended that a killing take place or was a “major participant” in the commission or attempted commission of the burglary and / or robbery *and* was “recklessly indifferent” regarding a person’s life, as follows (check only one):

  X   Was proven beyond a reasonable doubt.

       Was not proven beyond a reasonable doubt.

Presiding Juror  
Juror No. 12.”

**Verdict Form Two**

“We the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths find that the alleged aggravating circumstance that Defendant, Efren Medina, had been convicted of the serious offense of aggravated assault (check only one):

  X   Was proven beyond a reasonable doubt.

       Was not proven beyond a reasonable doubt.

Presiding Juror  
Juror No. 12.”

**Verdict Form Three**

“We the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths find that the alleged aggravating circumstance that Defendant, Efren Medina, had been convicted of the serious offense of robbery (check only one):

  X   Was proven beyond a reasonable doubt.

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\_\_\_\_\_ Was not proven beyond a reasonable doubt.

Presiding Juror  
Juror No. 12.”

**Verdict Form Four**

“We the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths find that the alleged aggravating circumstance that the murder was committed in an especially cruel, heinous or depraved manner (check only one):

\_\_\_X\_\_\_ Was proven beyond a reasonable doubt.

\_\_\_\_\_ Was not proven beyond a reasonable doubt.

We, the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths unanimously find beyond a reasonable doubt that the murder was committed in an especially cruel manner (check only one):

\_\_\_\_\_ Yes

\_\_\_X\_\_\_ No

We, the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths unanimously find beyond a reasonable doubt that the murder was committed in an especially heinous or depraved manner (check only one):

\_\_\_X\_\_\_ Yes

\_\_\_\_\_ No

Presiding Juror  
Juror No. 12.”

**Verdict Form Five**

“We the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths find that the alleged aggravating circumstance that Defendant, Efren Medina, was at least

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eighteen years of age at the time the first-degree murder was committed on September 30, 1993, and the murdered person, Carle Hodge, was seventy years of age or older (check only one):

  X   Was proven beyond a reasonable doubt.

       Was not proven beyond a reasonable doubt.

Presiding Juror  
Juror No. 12.”

**Verdict Form Six**

“We the jury, duly empanelled and sworn in the above-entitled cause, do upon our oaths find that the alleged aggravating circumstance that the first degree murder of Carle Hodge was committed while Defendant, Efren Medina, was released from jail on bond in case number CR 93-02530 (check only one):

  X   Was proven beyond a reasonable doubt.

       Was not proven beyond a reasonable doubt.

Presiding Juror  
Juror No. 12.”

The jury is polled upon request of counsel for the State and each juror replies that these are his or her true verdicts.

2:04 p.m. The jury is excused for the evening to return on Monday, September 22, 2008 to begin the mitigation/sentencing phase of the trial.

Discussion is held regarding alternate Juror No. 15. Upon stipulation of counsel, Juror No. 15 is released from jury service.

Procedural issues are discussed.

2:11 p.m. Court stands at recess until Friday, September 19, 2008 at 2:30 p.m. to discuss mitigation phase jury instructions.